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RESPONSE UNDER 37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1700IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: J. Malmberg et al. Attorney Docket No.: FRAB122492  
Application No.: 10/798,251 Art Unit: 1761/ Confirmation No: 4198  
Filed: March 11, 2004 Examiner: T.F. Simone  
Title: APPARATUS FOR GAS TREATMENT OF PRODUCTS

RESPONSE AFTER FINAL REJECTION

Seattle, Washington 98101

January 3, 2006

## TO THE COMMISSIONER FOR PATENTS:

In response to the Office Action mailed October 3, 2005, applicants submit the following remarks and the enclosed supplemental declaration and Petition to Accept an Unintentionally Delayed Claim of Priority Under 35 U.S.C. § 119(a)-(d).

Claims 1-38 are pending in this application. The Office Action states that the declaration fails to identify the foreign patent application on which priority is claimed. The Office Action further states that the declaration is defective for failure to include specific language regarding the duty of disclosure.

Claims 1-38 have been rejected under 35 U.S.C. § 251 for being based upon a defective declaration. In response, applicants submit the enclosed supplemental declaration and Petition to Accept an Unintentionally Delayed Claim of Priority Under 35 U.S.C. § 119(a)-(d). Applicants submit that the present application is now in condition for allowance.

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foreign application for patent on which priority is claimed. Applicants' omission of the claim for foreign priority, specifically, to Swedish Application No. 990166, filed on January 20, 1999, was unintentional. Accordingly, applicants submit the enclosed supplemental declaration including the claim for priority and the enclosed Petition to Accept an Unintentionally Delayed Claim of Priority Under 35 U.S.C. § 119(a)-(d), in accordance with 37 C.F.R. § 1.55.

Declaration

The Office Action states that the declaration is defective for failure to state that the person making the declaration "acknowledges the duty to disclose all information known to the person to be material to patentability as defined in 37 C.F.R. 1.56." In response, applicants submit the enclosed supplemental declaration, including the specific language set forth by the Examiner in the Office Action: "We acknowledge the duty to disclose all information known to us to be material to patentability as defined in 37 C.F.R. 1.56."

Applicants respectfully submit that the supplemental declaration is not defective.

Claim Rejection Under 35 U.S.C. § 251

Claims 1-38 have been rejected under 35 U.S.C. § 251 for being based upon a defective declaration. In light of the enclosed supplemental declaration, applicants respectfully request withdrawal of the rejection of Claims 1-38 under 35 U.S.C. § 251.

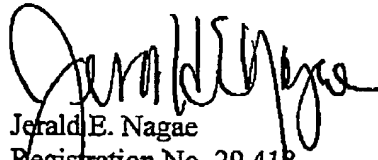
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CONCLUSION

In view of the foregoing remarks and the enclosed supplemental declaration, applicants respectfully submit that the present application is now in condition for allowance. The Examiner is invited to telephone the undersigned if there are any remaining issues.

Respectfully submitted,

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I hereby certify that this correspondence is being transmitted via facsimile to Mail Stop AF, U.S. Patent and Trademark Office, at facsimile number 571-273-8300, on January 3, 2006.

Date:

January 3, 2006

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